

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

ARY JEWELERS, LLC,)
Plaintiff,) Civil Action No. 04-10281 (EFH)
v.)
IBJTC BUSINESS CREDIT CORP.)
AND DAVID MOLINARIO,)
Defendants.)

)

**DEFENDANTS' UNOPPOSED MOTION FOR LEAVE TO FILE A REPLY BRIEF
REGARDING THEIR MOTION FOR SUMMARY JUDGMENT AND STATEMENT OF
MOOTNESS OF PLAINTIFF'S MOTION UNDER RULE 56(f)**

On Friday, November 4, 2005, plaintiff filed a motion under Rule 56(f) of the Federal Rules for a continuance of defendants' pending motion for summary judgment on the grounds that it purportedly needed additional discovery to oppose defendants' summary judgment motion. The defendants filed their opposition to plaintiff's motion for a continuance on that same day. On Monday, November 7, 2005, the plaintiff filed an opposition to defendants' motion for summary judgment. The filing of plaintiff's opposition moots its motion for a continuance under Rule 56(f).

The defendants believe that a reply brief will be of assistance to the Court in resolving the issues presented in defendants' motion for summary judgment. Accordingly, the defendants seek leave to file a reply brief in further support of their motion for summary judgment by no later than November 17, 2005, and request that the Court rule on that motion following receipt of the defendants' brief and oral argument.

The plaintiff does not oppose the defendants' request to file a reply brief.

ROPES & GRAY LLP

By: /s/

Christopher R. Dillon (BBO No. 640896)
One International Place
Boston, MA 02110-2621
Tel: (617) 951-7000

Attorneys for Defendants